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28 Attorneys for Plaintiffs MICHAEL LEWIS,  
29 LAUREN TAYLOR, and minors C.L. and B.L.

30 **FEDERAL DISTRICT COURT**

31 **SOUTHERN DISTRICT OF CALIFORNIA**

32 MICHAEL LEWIS, LAUREN  
33 TAYLOR, and minors CAMERAN  
34 LEWIS and BAILEY LEWIS, by and  
35 through their Guardian ad Litem,

36 Case No. 13cv2818-L (JMA)

37 **FIRST AMENDED COMPLAINT**  
38 **FOR VIOLATIONS OF CIVIL**

1 Plaintiffs,

2 v.

3 COUNTY OF SAN DIEGO; CITY  
4 OF CORONADO; CORONADO  
5 POLICE OFFICER PATRICK  
6 O'MALLEY; CORONADO POLICE  
7 OFFICER ROBERT CLINE;  
8 COUNTY AGENT IAN BAXTER;  
9 COUNTY AGENT N. QUINTEROS;  
10 COUNTY AGENT SUPERVISOR  
11 BENITA JEMISON; COUNTY  
12 AGENT ABIGAIL JOSEPH;  
13 COUNTY AGENT SUPERVISOR  
14 ANTONIA TORRES; COUNTY  
15 AGENT BROOKE GUILD;  
16 COUNTY AGENT SUPERVISOR  
17 ALFREDO GUARDADO; and DOES  
18 1-50,

19 Defendants.

20

**RIGHTS (42 U.S.C. § 1983) AND  
21 STATE LAWS**

- 22
- 23 1. 42 U.S.C. § 1983 – Deprivation of  
24 Rights Under Fourteenth  
25 Amendment to Parental and  
Familial Relation
  - 26 2. 42 U.S.C. § 1983 -  
Unconstitutional Official Policy,  
Practice, or Custom (*Monell* Claim)
  - 27 3. Battery
  - 28 4. False Imprisonment
  5. Negligence
  6. Intentional Infliction of Emotional  
Distress
  7. Bane Act Violations

**DEMAND FOR A JURY TRIAL**

20 Plaintiffs hereby submit the following First Amended Complaint for  
21 violations of their Constitutional rights under 42 U.S.C. §1983 and the laws of the  
22 State of California.

**INTRODUCTION**

23 1. This case arises from an unconstitutional abuse of power by the  
24 County and City AGENTS who, without probable cause or exigent circumstances,  
25 seized and detained the minor plaintiffs (two and four year old boys) for almost a  
26 year from their parents' care based only the father's legal use of marijuana for  
medical purposes. They did so despite the overwhelming evidence that the  
children were happy, health, and well cared for.

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28 //

## **FACTUAL ALLEGATIONS**

2. In early 2011, Michael Lewis and Lauren Taylor were the proud parents of two boys: two-year-old B.L. and four-year-old C.L. They were living together as a family in Coronado, California.

3. Michael Lewis grew up in Georgia, served in the military during the first Gulf War, was a certified Aviation Electronics Technician, had an Electronics Technology degree from DeVry Institute of Technology, had no violent criminal history, and was a doting and attentive father. Lauren Taylor, the eldest of five sisters, was a woman with Native American blood who was studying web design at DeVry University. The children knew their colors and numbers, were well nourished, and were never left alone. There has never been any evidence that they  
were ever physically or emotionally abused or neglected by their parents.

4. During his time in the military, Michael Lewis was exposed to unknown chemicals. Since then, Michael suffered from chronic, painful, and debilitating migraines. Mr. Lewis, upon the advice and recommendation of a physician, legally used marijuana to release the pressure of the migraines and allow him to live a normal life without debilitating pain. Although he had marijuana in the home, the children were not exposed to marijuana or marijuana smoke.

5. On August 5, 2011, police officers with the City of Coronado allegedly received an anonymous “tip” that the Lewis family was running a day care and smoking marijuana around children.

6. That same day, the officers went to the Lewis family residence and Mr. Lewis allowed them to enter and take photographs. Lauren and the children were not home at the time and there was no “daycare facility” being operated in the home.

7. Although the officers found marijuana in the home, Michael Lewis had a medical marijuana recommendation and his use was legal. Michael presented his medical marijuana recommendation to the officers. The officer's

1 then left and wrote a report. In their report, the officers identified marijuana as the  
 2 only purported “hazard” in the residence. Neither Lewis nor Taylor were ever  
 3 criminally prosecuted for the possession and/or use of the marijuana.

4       8. On August 8, 2011, Defendant COUNTY AGENTS IAN BAXTER  
 5 and N. QUINTEROS were working in the course and scope of their employment  
 6 for Defendant COUNTY OF SAN DIEGO (“COUNTY”), specifically with the  
 7 Health & Human Services Agency. They were accompanied by Defendant  
 8 Coronado Police Officers O’MALLEY and CLINE who were working as police  
 9 officers within the course and scope of their employment with Defendant CITY OF  
 10 CORONADO (“CITY”), and who were acting in joint collaboration with  
 11 COUNTY AGENTS BAXTER and QUINTEROS.

12      9. Plaintiffs are informed and believe and on such basis alleged that any  
 13 reasonable police officer, including Defendants O’MALLEY and CLINE, would  
 14 have known that it was unlawful to seize and detain a child from the custody and  
 15 care of its parent absent a warrant or exigent circumstances.

16      10. Plaintiff is informed and believes and on such basis alleges that when  
 17 Defendants O’MALLEY and CLINE arrived on the scene they searched the home  
 18 and examined the children to ascertain whether or not the children were in danger.  
 19 Upon such examination, on information and belief, the officers found the home to  
 20 be neat and clean and found the children to be appropriately dressed and in good  
 21 health. Plaintiff is further informed and believes and on such basis alleges that it  
 22 would have been readily apparent to any reasonable police officer facing similar  
 23 circumstances that the children were not in danger of suffering severe bodily injury  
 24 of any kind in the time it would have taken to obtain a warrant.

25      11. Defendant COUNTY AGENTS IAN BAXTER and N. QUINTEROS  
 26 consulted with their supervisors and CITY AGENTS O’MALLEY and CLINE. On  
 27 information and belief, together BAXTER, QUINTEROS, O’MALLEY, and  
 28 CLINE reached a consensus and agreement to seize and detain four year old C.L.

1 and two year old B.L. from their home and their parents' care without first  
 2 obtaining a warrant and in the absence of any exigent circumstances. Then, acting  
 3 on their agreed upon plan to seize and detain the children, O'MALLEY and  
 4 CLINE provided armed support for BAXTER and QUINTEROS while the  
 5 children were seized such that O'MALLEY and CLINE were integral participants  
 6 in the unwarranted seizure and detention of the children. Once the children were  
 7 seized, on information and belief, Defendants BAXTER and QUINTEROS then  
 8 deposited the children at the Polinsky Center – an emergency shelter for allegedly  
 9 abused and neglected children in San Diego County. The children were there for  
 10 approximately two weeks without their parents and were terrified.

11       12. The only allegations against Lewis and Taylor were, essentially, that  
 12 Lewis legally used marijuana, and police found marijuana in the home.

13       13. Based on these facts, Defendant COUNTY AGENTS and CITY  
 14 AGENTS seized C.L. and B.L. without a warrant based on allegations of "general  
 15 neglect," where no exigency existed at all. Specifically, there was no reasonable or  
 16 articulable evidence to suggest that either child was in immediate danger of  
 17 suffering severe bodily injury or death at the hands of either Lewis or Taylor in the  
 18 time it would have taken to obtain a protective custody warrant.

19       14. Nonetheless, even though they knew Michael Lewis' use of medical  
 20 marijuana was completely legal in that he had obtained a medical marijuana  
 21 recommendation after an evaluation from a licensed medical doctor, and that  
 22 Lewis only used the marijuana outside the presence of the children and only for  
 23 amelioration of pain, these Defendants seized and detained the children.

24       15. After entering the Polinsky Center, the Center confirmed that the  
 25 children were developmentally on target and there were no concerns for them (*i.e.*,  
 26 no signs of physical abuse, emotional abuse, or other abuse).

27       16. On the same day, in an effort retrieve their children from custody of  
 28 Defendant COUNTY, Michael and Lauren expressed their willingness to have

1 their home checked for safety, submitted photographs showing a clean kitchen, got  
 2 a lockbox for medication and had a padlock where the marijuana was grown. They  
 3 presented this evidence to Defendant COUNTY AGENT IAN BAXTER the same  
 4 day the children were seized.

5       17. Despite this evidence, Defendant COUNTY AGENT IAN BAXTER  
 6 and N. QUINTEROS continued to detain C.L. and B.L. from their family home  
 7 and loving parents. Defendants COUNTY AGENT Supervisors JEMISON and  
 8 GUARDADO, after having conducted a detailed review of the matter, agreed with,  
 9 ratified, and condoned the conduct of Defendant COUNTY AGENTS BAXTER  
 10 and N. QUINTEROS.

11       18. Defendant COUNTY AGENT IAN BAXTER filed a petition with the  
 12 juvenile court in the County of San Diego and on behalf of Defendant COUNTY.  
 13 The petition sets out a series of supporting “facts.”

14       19. The Petition is verified by Defendant BAXTER, and signed under  
 15 penalty of perjury.

16       20. The “facts” set out in the petition are false, and BAXTER knew they  
 17 were false at the time he verified the petition under penalty of perjury and filed it  
 18 with the juvenile court.

19       21. The false allegations mislead the juvenile court into believing the  
 20 children were in danger, when in fact they were not and BAXTER knew they were  
 21 not.

22       22. Defendant COUNTY and COUNTY AGENT IAN BAXTER asserted  
 23 one count against Michael and Lauren.

24       23. Defendant COUNTY AGENT IAN BAXTER mislead the court by  
 25 stating that he did not need to conduct any pre-placement preventive services  
 26 because of the “emergent nature” of the situation and asserted that Michael and  
 27 Lauren left their children “inadequately attended and inadequately supervised”  
 28 around the marijuana. This statement was totally false, and BAXTER knew it, or,

1 even worse, simply did not care.

2       24. At some point, Defendant COUNTY AGENT ABIGAIL JOSEPH  
 3 assumed Defendant BAXTER's role as the lead COUNTY agent on the case while  
 4 Defendant COUNTY AGENT ANTONIA TORRES assumed Supervisor  
 5 Defendant JEMISON's supervisory role. Upon information and belief, COUNTY  
 6 AGENT BROOKE GUILD acted in concert with Defendant JOSEPH.

7       25. Despite the fact that Lewis' use of marijuana was totally legal under  
 8 California law, and despite the fact that all drug tests for Lauren Taylor were  
 9 negative and there were no signs of abuse or neglect of the children, Defendant  
 10 COUNTY AGENT JOSEPH continued to lie to the juvenile court by making false  
 11 statements calculated to lead the juvenile court to believe that Ms. Taylor used  
 12 marijuana and that such use posed a danger to the children.

13       26. Defendants COUNTY AGENT JOSEPH and her supervisor  
 14 Defendant COUNTY AGENT TORRES acted in concert in providing knowingly  
 15 false information to the court. Mr. Lewis' promptly provided all COUNTY  
 16 AGENT and CITY AGENT defendants, including Defendant COUNTY AGENT  
 17 JOSEPH, exculpatory information demonstrating that his use of marijuana was  
 18 legal and permissible, *i.e.*, that he received a doctor recommendation for the use of  
 19 marijuana from a Dr. Robert Robertson.

20       27. Defendants JOSEPH and TORRES completely disregarded this  
 21 exculpatory evidence and made no effort to investigate it by, for example,  
 22 contacting the doctor or obtaining records from him.

23       28. Instead, they lied to the court by stating that Mr. Lewis' use of  
 24 marijuana for his medical condition was not verified by his medical doctor. They  
 25 assumed that Mr. Lewis had substance abuse issues and misrepresented this  
 26 information to the court. They left the juvenile court with the false impression that  
 27 Lewis was a serious substance abuser, someone who forged records, a drug dealer,  
 28 and a serious danger to the children when all those inferences were untrue.

1       29. Based on Defendant JOSEPH'S and TORRES' multiple false  
 2 statements to the juvenile court, the children continued to be detained in County  
 3 facilities and not at home with their loving parents. As a result, they were deprived  
 4 of regular, open, and free contact and companionship of family and friends,  
 5 including their parents.

6       30. On February 3, 2012, Defendant COUNTY and the defendant  
 7 COUNTY AGENT JOSEPH, with the approval of her supervisor, Defendant  
 8 TORRES, filed amended petitions where they added a second count. Like with the  
 9 initiating petition, the amended petitions contain specific "facts" which are  
 10 intended to support the allegations of the petition. Defendant JOSEPH verified the  
 11 amended petitions and signed, under penalty of perjury, attesting to the truth and  
 12 veracity of the material allegations set out in the amended petitions.

13       31. Defendant COUNTY AGENT JOSEPH, with the approval of her  
 14 supervisor, Defendant TORRES, continued to detain Michael and Lauren's  
 15 children and then create new equally false reasons for their continued detention.  
 16 For example, she asserted falsely Michael had mental illnesses that posed a danger  
 17 to the children.

18       32. On February 6, 2012, the court, based on the knowingly false  
 19 information provided by the defendant COUNTY AGENTS, declared C.L. and  
 20 B.L. dependents of the juvenile court, continued their detention away from their  
 21 parents, and placed them in some stranger's foster home. Michael timely appealed.

22       33. On August 2, 2012, the Court of Appeal for the Fourth Appellate  
 23 District, reversed the juvenile court's order. "[T]he record does not support a  
 24 finding that [Mr. Lewis'] marijuana use or alleged mental illness had *any* negative  
 25 impact on the children." *Cameron L. v. Michael L.*, 2012 Cal. App. Unpub. LEXIS  
 26 5726, 21 (Cal. App. 4th Dist. Aug. 2, 2012).

27       34. The children remained out of their family home and the care of their  
 28 parents until the family was reunited on August 7, 2012, nearly one year after

1 Defendants had removed them.

2       35. In total, Michael, Lauren and their children were deprived of the care,  
 3 companionship, custody, and other protected familial interests for approximately  
 4 364 days. As a direct result of the Defendants' misconduct, this family has  
 5 suffered severe harm. This includes two episodes where their young children were  
 6 separated from their familiar surroundings and housed at the Polinsky Center,  
 7 several hundreds of hours in therapy and dealing with COUNTY AGENTS,  
 8 countless emotional challenges, numerous unfounded allegations, financial charges  
 9 for drug tests and supervised visitation, evictions (effectively rendered homeless)  
 10 and the concomitant breakage in the familial bonds that naturally arise between  
 11 good parents and their children.

12       36. Throughout the ordeal, Lauren Taylor, C.L. and B.L. never tested  
 13 positive for any drug. Although Michael Lewis ingested marijuana for medicinal  
 14 purposes pursuant to a physician's recommendation, he never tested positive for  
 15 any other drugs. Further, there was (1) no evidence of abuse or neglect by either  
 16 parent, (2) no evidence that Michael's marijuana use impaired his parenting skills  
 17 or judgment, and (3) no evidence that Michael Lewis acted inappropriately toward  
 18 his children at any time -- *ever*.

19       37. To the contrary, there was ample evidence, which the COUNTY  
 20 AGENT Defendants suppressed from the juvenile court as part of their effort to  
 21 build a false case, that the children were intelligent, well nourished, lived without  
 22 abuse or neglect, and that the removal from their parents was significantly  
 23 detrimental to them.

24       38. Defendant COUNTY and Defendant COUNTY AGENT JOSEPH  
 25 were informed that the children would often cry for more than an hour after they  
 26 were only allowed brief and fleeting visitations with their parents and they would  
 27 wake up crying for their parents at night and during naps – none of this exculpatory  
 28 evidence was ever disclosed to the Juvenile Court. Rather, the COUNTY AGENT

Defendants actively concealed the information from the court.

39. At all times herein, supervisor Defendants JEMISON, TORRES, GUARDADO, and supervisor DOES (1) personally and directly took the offensive and tortuous actions in concert with their subordinate defendants and/or (2) directed subordinates to commit the actions that violated plaintiffs' rights and/or (3) set in motion a series of actions by their subordinates that they knew or reasonably should have known would cause the subordinates to deprive the plaintiffs of their rights and/or (4) knew or reasonably should have known that their subordinates were engaging in these acts and that their conduct would deprive the plaintiff of these rights and the defendant failed to act to prevent their subordinates from engaging in such conduct.

## **JURISDICTION AND VENUE**

40. This Court has jurisdiction to hear this case. This Court has jurisdiction of this case and these claims under California common law and federal law. Venue in this Court is proper because the acts complained of occurred in San Diego, California. Further, Plaintiff is informed and believes that both named parties have lived and/or conducted business in San Diego at all relevant times.

## **PARTIES**

41. All Plaintiffs were and are, at all times mentioned herein, citizens of the United States and legal residents of the State of California.

42. Defendant COUNTY OF SAN DIEGO is a municipality within the State of California and employs the individual defendants and other police officers and unknown AGENTS referred to herein. The individual defendants performed all of the herein alleged acts for, and in the name of the Defendant COUNTY.

43. Defendant CITY OF CORONADO is a municipality within the State of California and employs the individual defendants and other police officers and unknown AGENTS referred to herein. The individual defendants performed all of the herein alleged acts for, and in the name of the Defendant CITY.

1       44. Defendants CORONADO POLICE OFFICER PATRICK  
 2 O'MALLEY and CORONADO POLICE OFFICER ROBERT CLINE were, at all  
 3 times herein mentioned, natural persons and employees of Defendant CITY  
 4 (referred to collectively as "CITY AGENTS"). At all times acted herein the course  
 5 and scope of their employment with Defendant CITY and under color of law.  
 6 They are sued individually and in their official capacities.

7       45. Defendants COUNTY AGENT IAN BAXTER, COUNTY AGENT  
 8 N. QUINTEROS, COUNTY AGENT SUPERVISOR BENITA JEMISON,  
 9 COUNTY AGENT ABIGAIL JOSEPH, COUNTY AGENT ANTONIA TORRES,  
 10 COUNTY AGENT BROOKE GUILD, and COUNTY AGENT SUPERVISOR  
 11 ALFREDO GUARDADO were, at all times herein mentioned, natural persons and  
 12 employees of Defendant COUNTY, specifically with the Health & Humans  
 13 Services Agency (referred to collectively as "COUNTY AGENTS"). At all times  
 14 acted herein the course and scope of their employment with Defendant COUNTY  
 15 and under color of law. They are sued individually and in their official capacities.

16       46. Plaintiffs are informed and believe, and on that basis allege, that at all  
 17 times mentioned herein, the individually named defendants were and are residents  
 18 of the County of San Diego, State of California.

19       47. The true names or capacities, whether individual, corporate, associate  
 20 or otherwise, of defendants named herein as DOES 1 through 50, are unknown to  
 21 plaintiffs, and therefore -Plaintiffs sue said defendants by such fictitious names.  
 22 The true names and capacities of DOES 1-50 are unknown to Plaintiffs, who  
 23 therefore sue said fictitious names either as individuals or in their official  
 24 capacities. Plaintiffs are informed and believe, and based thereon allege, that each  
 25 of the DOE defendants is legally responsible in some manner for the events and  
 26 happenings herein alleged, and that the damages and injury to Plaintiffs were  
 27 proximately caused by their conduct and the conduct of the named Defendants.  
 28 All allegations in this complaint, which refer to the named Defendants, refer in like

manner to those defendants identified as Does 1-50, inclusive. Plaintiffs will amend this complaint to allege the true names and capacities of the Doe Defendants when they become known.

48. Each of the acts of the individually named defendants and DOES 1 through 50 were performed by them by virtue of and under their authority as peace, police, or law enforcement officers employed by Defendants CITY and/or COUNTY, and under the color and pretense of the statutes, ordinances, regulations, customs and usages of the State of California. Said defendants were the servants, AGENTS, and employees of the Defendant CITY and/or COUNTY, and in doing the acts hereinafter described, acted within the course and scope of their employment. Their acts herein alleged are, therefore, imputed to Defendant CITY and/or COUNTY.

49. Plaintiffs timely served their respective Notices of Tort Claims on the above identified Defendants as required under California Government Code section 900, et seq. Plaintiffs' tort claims were denied, and Plaintiffs timely filed suit.

## **FIRST CAUSE OF ACTION**

**42 U.S.C. § 1983 – Deprivation of the 14<sup>th</sup>**

## **Amendment Right to Parent/Child and Familial Relation**

**All Plaintiffs against Defendants O'MALLEY, CLINE, BAXTER,  
QUINTEROS, JEMISON, JOSEPH, TORRES, GUILD, GUARDADO and  
DOES 1-50**

50. Plaintiffs incorporate, as if set forth in full, all preceding paragraphs and allegations in this complaint.

51. “[P]arents and children have a well-elaborated constitutional right to live together without government interference.” *Wallis v. Spencer*, 202 F.3d 1126, 1136 (9th Cir. 2000). Under the First, Fourth, Fifth and Fourteenth Amendments it is unlawful to remove a child from the care, custody, and control of its parents

1 without probable cause, exigency, or a court order. This concept is, in fact, so well  
 2 established that any reasonable COUNTY agent or CITY police officer facing  
 3 similar circumstances as those present here would know that it was a violation of  
 4 Plaintiffs' respective rights to seize and detain the children from the custody, care,  
 5 and control of their parents without first obtaining a protective custody warrant or  
 6 other similar court order.

7       52. Defendants, and each of them and at all times relevant herein, an  
 8 affirmative duty and obligation to not violate the protections guaranteed Plaintiffs  
 9 under the United States Constitution, including the protection of parental rights, the  
 10 right to privacy, family integrity and the right to familial relations.

11       53. Defendants, and each of them and at all times herein, acting in the  
 12 course and scope of their employment with the Defendants COUNTY and CITY,  
 13 and thereby acting under color of law, jointly collaborated and acted together to  
 14 deprive and did deprive LAUREN TAYLOR, MICHAEL LEWIS, C.L., and B.L.  
 15 of their Constitutional rights their parental/child relationship and familial  
 16 association under the Fourteenth Amendment to the United States Constitution. As  
 17 to City Defendants, the County of San Diego, and Defendants BAXTER and  
 18 QUINTEROS, this includes, but is not limited to willfully seizing the children,  
 19 C.L. and B.L., from their home and the loving care of their parents, LAUREN  
 20 TAYLOR and MICHAEL LEWIS, without any legal basis whatsoever, without  
 21 first obtaining a warrant, and in the absence of any exigency.

22       54. COUNTY Defendants, and each of them and at all times herein,  
 23 deprived Plaintiffs C.L. and B.L. of their liberty rights by extending the unlawful  
 24 detention of the children from their family home and parents through acts of  
 25 artifice and fraud, by communicating false information to the juvenile court,  
 26 suppressing material exculpatory evidence from the juvenile court, and fabricating  
 27 evidence, as well as committing specific acts of perjury, by signing and submitting  
 28 charging documents when the offending COUNTY agent defendant knew, or had

reason to know, their sworn statements were untrue.

55. In depriving plaintiffs of their Constitutional rights to their parental/child relationship and familial association under the Fourteenth Amendment to the United States Constitution, Defendants, and each of them, directly and proximately caused past and future damages to plaintiffs as prayed for herein, including mental anxiety, anguish and upset.

56. The conduct alleged herein was done in deliberate or reckless disregard of plaintiffs' constitutionally protected rights justifying the award of exemplary damages against all non-entity/municipality Defendants in an amount according to proof at the time of trial in order to deter them from engaging in similar conduct and to make an example by way of monetary punishment. Plaintiffs are also entitled to attorney fees and costs of suit herein.

## **SECOND CAUSE OF ACTION**

## **42 U.S.C. § 1983 – Unconstitutional Official Policy, Practice, or Custom (*Monell* Claim)**

**All Plaintiffs Against Defendants COUNTY OF SAN DIEGO and CITY OF  
CORONADO**

57. Plaintiffs incorporate, as if set forth in full, all preceding paragraphs and allegations in this complaint.

58. Plaintiff alleges that Defendants, and each of them, have unlawful customs, practices and habits of improper and inadequate hiring, training, retention, discipline and supervision of its investigators, employees (including employees of the office of the District Attorney) police officers and/or detectives, including the officers mentioned herein, proximately causing the Constitutional deprivations, injuries and damages suffered by plaintiffs and alleged herein. This includes, but is not limited to willfully removing the C.L. and B.L. from their home and the loving care of their parents, LAUREN TAYLOR and MICHAEL LEWIS, without any legal basis whatsoever, communicating false information to the family

court, and holding the children after the parents presented clear evidence that any possible concern on behalf of the COUNTY AGENTS should have been alleviated. Plaintiffs are informed and believe and thereon allege that on more than one occasion the CITY and COUNTY engaged in constitutionally improper conduct to such an extent that the conduct took on the force and effect of "policy" such that the official and unofficial customs, practices and policies as listed herein became the standard practice of Defendants, and each of them. These customs, practices, and/or policies include, but are not limited to the following:

- a. As to both the City and the County, the custom and practice of detaining and/or removing children from their family and homes without exigent circumstances (imminent danger of serious bodily injury), court order and/or consent;
- b. As to the County only, the custom and practice of removing and detaining children, and continuing to detain them for an unreasonable period after any alleged basis for detention is negated;
- c. As to the County only, the custom and practice of using trickery, duress, fabrication and/or false testimony and/or evidence, and in failing to disclose exculpatory evidence, in preparing and presenting reports and court documents to the Court, causing an interference with parental rights, including those as to familial relations;
- d. As to the City and County, by acting with deliberate indifference in implementing a policy of inadequate training and/or supervision, and/or by failing to train and/or supervise its officers, AGENTS, employees and state actors, in providing the constitutional protections guaranteed to individuals, including those under the Fourth and Fourteenth Amendments, when performing actions related to child abuse and dependency type proceedings;
- e. As to the County only, the practice of setting forth allegations in

1 Juvenile Dependency Petitions against parents claiming violations of  
2 WIC §300 regardless of whether or not reasonable and articulable  
3 evidence exists at the time to support the claims set out in the  
4 petition under penalty of perjury;

- 5 f. As to the County only, the custom, policy, and/or practice of  
6 fraudulently charging parents with child abuse where none exists;  
7 g. As to the City, the custom, policy, and/or practice of making reports  
8 to Child Protective Services in all situations where marijuana is  
9 present in a family home regardless of the legality of the  
10 use/possession and regardless of whether there is any evidence of  
11 actual abuse or neglect of the child(ren);  
12 h. As to the City and County the custom, policy, and/or practice of  
13 seizing children from parents in all or most situations where  
14 marijuana is present in a family home regardless of the legality of  
15 the use/possession and regardless of whether there is any evidence  
16 of actual abuse or neglect of the child(ren).

17 59. This list is not exhaustive due to the pending nature of discovery and  
18 the privileged and protected records of investigative and juvenile dependency type  
19 proceedings. Plaintiffs may seek leave to amend this pleading as more information  
20 becomes available.

21 60. In depriving plaintiffs of their Constitutional rights to their  
22 parental/child relationship and familial association under the Fourteenth  
23 Amendment to the United States Constitution, Defendants, and each of them,  
24 directly and proximately caused past and future damages to plaintiffs as prayed for  
25 herein, including mental anxiety, anguish and upset.

26 //

27 //

28 //

## **THIRD CAUSE OF ACTION**

## Battery

## **Plaintiffs C.L. and B.L. Against All Defendants**

61. Plaintiffs incorporate, as if set forth in full, all preceding paragraphs and allegations in this complaint.

62. Defendants O'MALLEY and CLINE were integral participants in the unwarranted seizure of C.L. and B.L. In that they provided armed support for the County Social Workers to effectuate the seizure.

63. Defendants CITY and COUNTY are liable for all of the state law causes of action under *respondeat superior* for the actions of their respective CITY's or COUNTY's employee defendants as set forth in Government Code §815.2(a) and §820(a). Defendants respective employees were acting within the course and scope of their employment with Defendants at all times mentioned herein. Defendants CITY and COUNTY are liable for both the negligent and intentional actions of their respective employees which were committed within the course and scope of their employment. *Mary M. v. City of Los Angeles* (1991) 54 Cal.3d 202; *Lloyd v. County of Los Angeles*, (2009) 172 Cal.App.4th 320, 330; *Bradford v. California* (1973) 36 Cal.App.3d 16, 20; *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1127; *M.P. v. City of Sacramento* (2009) 177 Cal.App.4th 121, 129; *Ducey v. Argo Sales Co.*, (1979) 25 Cal. 3d 707, 721.

64. Supervisory Defendants are liable because they committed the acts and omissions, or have ratified and confirmed the acts and omissions, set forth herein against Plaintiffs, acting with knowledge that Plaintiffs' emotional distress would thereby increase. As such, their actions in ratifying and condoning said conduct were undertaken with a wanton and reckless disregard for the consequences to Plaintiffs. They did so by removing them or causing them to be removed from their safe and loving home with their parents when they were not being abused or neglected and there were no signs of abuse or neglect and when

1 they were physically restrained from being together as a family with their parents  
 2 for 364 days.

3       65. Defendants, and each of them, touched Plaintiffs C.L. and B.L. or  
 4 caused them to be touched with the intent to harm or offend them. Defendants, and  
 5 each of them, were substantially certain that the injuries to Plaintiffs C.L. and B.L.  
 6 would result from their conduct. They did so by removing them or causing them to  
 7 be removed from their safe and loving home with their parents when they were not  
 8 being abused or neglected and there were no signs of abuse or neglect and when  
 9 they were physically restrained from being together as a family with their parents  
 10 for 364 days.

11       66. Plaintiffs C.L. and B.L. did not consent and were not capable of  
 12 consenting to the touching. Their parents did not consent to their removal or  
 13 continued removal. Plaintiffs C.L. and B.L. were harmed and offended by the  
 14 conduct of Defendants, including but not limited to nightmares, anxiety, fear,  
 15 frustration, and nightmares.

16       67. As a direct and proximate cause of the negligence, Defendants, and  
 17 each of them, directly and proximately caused Plaintiff's damages, including but  
 18 not limited to emotional suffering and severe emotional distress.

19       68. The conduct alleged herein was done in deliberately, recklessly, and  
 20 intentionally without regard to the safety or rights of Plaintiffs C.L. and B.L.,  
 21 which justifies an award of exemplary and punitive damages against the COUNTY  
 22 AGENT and police officer defendants as permitted by law and as according to  
 23 proof at trial, due to the wrongful conduct of defendants as herein alleged.

24       69. The conduct alleged herein was done in deliberate or reckless  
 25 disregard of plaintiffs' constitutionally protected rights, which justifies an award of  
 26 exemplary and punitive damages against the COUNTY AGENT and police officer  
 27 defendants as permitted by law and as according to proof at trial, due to the  
 28 wrongful conduct of defendants as herein alleged.

#### **FOURTH CAUSE OF ACTION**

# **False Imprisonment**

# **Plaintiffs C.L. and B.L. Against All Defendants**

70. Plaintiffs incorporate, as if set forth in full, all preceding paragraphs and allegations in this complaint

71. Defendants CITY and COUNTY are liable for all of the state law causes of action under *respondeat superior* for the actions of the COUNTY's employee defendants as set forth in Government Code §815.2(a) and §820(a). Defendant COUNTY's employees were acting within the course and scope of their employment with Defendant COUNTY at all times mentioned herein. Defendant COUNTY is liable for both the negligent and intentional actions of its employees which were committed within the course and scope of their employment. *Mary M. v. City of Los Angeles* (1991) 54 Cal.3d 202; *Lloyd v. County of Los Angeles*, (2009) 172 Cal.App.4th 320, 330; *Bradford v. California* (1973) 36 Cal.App.3d 16, 20; *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1127; *M.P. v. City of Sacramento* (2009) 177 Cal.App.4th 121, 129; *Ducey v. Argo Sales Co.*, (1979) 25 Cal. 3d 707, 721.

72. Supervisory Defendants are liable because they committed the acts and omissions, or have ratified and confirmed the acts and omissions, set forth herein against Plaintiffs, acting with knowledge that Plaintiffs' emotional distress would thereby increase. As such, their actions in ratifying and condoning said conduct were undertaken with a wanton and reckless disregard for the consequences to Plaintiffs. They did so by removing them or causing them to be removed from their safe and loving home with their parents when they were not being abused or neglected and there were no signs of abuse or neglect and when they were physically restrained from being together as a family with their parents for 364 days.

73. Defendants, and each of them, intentionally and wrongfully detained,

1 confined and restrained Plaintiffs C.L. and B.L. Defendants, and each of them,  
 2 intentionally deprived Plaintiffs C.L. and B.L. of their freedom of movement by  
 3 use of physical barriers, force, deceit and unreasonable duress. The restraint,  
 4 confinement and detention compelled Plaintiffs C.L. and B.L. to stay or go  
 5 somewhere for some appreciable period of time.

6       74. Defendants did so by removing Plaintiffs C.L. and B.L. or causing  
 7 them to be forcibly removed from their safe and loving home with their parents  
 8 when they were not being abused or neglected and there were no signs of abuse or  
 9 neglect and when they were physically restrained from being together as a family  
 10 with their parents for 364 days.

11       75. The defendants, and each of them, did not have probable cause,  
 12 exigent circumstances, or any other legal justification to remove the children from  
 13 the custody of their loving parents and placing them in the Polinsky Children's  
 14 Center, as well as, for their continued detention.

15       76. Plaintiffs C.L. and B.L. did not consent (either knowingly or  
 16 voluntarily) and were not capable of consenting to the touching. Their parents did  
 17 not consent to their removal or continued removal. The confinement arose from a  
 18 warrantless search and seizure, without exigent circumstances, and without  
 19 discharging the duties imposed by Cal. Welf. & Inst. Code §306(b).

20       77. As a direct and proximate cause of Defendants' actions, Defendants,  
 21 and each of them, directly and proximately caused Plaintiff C.L. and B.L.'s  
 22 damages, including but not limited to nightmares, anxiety, fear, frustration,  
 23 nightmares, emotional suffering, and severe emotional distress. The actions of  
 24 Defendants, and each of them, were a substantial factor in causing Plaintiff C.L.  
 25 and B.L.'s harm.

26       78. The conduct alleged herein was done in deliberately, recklessly, and  
 27 intentionally without regard to the safety or rights of Plaintiffs C.L. and B.L.,  
 28 which justifies an award of exemplary and punitive damages against the COUNTY

1 AGENT and police officer defendants as permitted by law and as according to  
 2 proof at trial, due to the wrongful conduct of defendants as herein alleged.

3 **FIFTH CAUSE OF ACTION**

4 **Negligence**

5 **Plaintiffs C.L. and B.L. Against All Defendants**

6 79. Plaintiffs incorporate, as if set forth in full, all preceding paragraphs  
 7 and allegations in this complaint

8 80. Defendants CITY and COUNTY are liable for all of the state law  
 9 causes of action under *respondeat superior* for the actions of the COUNTY's  
 10 employee defendants as set forth in Government Code §815.2(a) and §820(a).  
 11 Defendant COUNTY's employees were acting within the course and scope of their  
 12 employment with Defendant COUNTY at all times mentioned herein. Defendant  
 13 COUNTY is liable for both the negligent and intentional actions of its employees  
 14 which were committed within the course and scope of their employment. *Mary M.*  
 15 *v. City of Los Angeles* (1991) 54 Cal.3d 202; *Lloyd v. County of Los Angeles*,  
 16 (2009) 172 Cal.App.4th 320, 330; *Bradford v. California* (1973) 36 Cal.App.3d 16,  
 17 20; *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1127; *M.P. v. City of*  
 18 *Sacramento* (2009) 177 Cal.App.4th 121, 129; *Ducey v. Argo Sales Co.*, (1979) 25  
 19 Cal. 3d 707, 721.

20 81. Supervisory Defendants are liable because they committed the acts  
 21 and omissions, or have ratified and confirmed the acts and omissions, set forth  
 22 herein against Plaintiffs, acting with knowledge that Plaintiffs' emotional distress  
 23 would thereby increase. As such, their actions in ratifying and condoning said  
 24 conduct were undertaken with a wanton and reckless disregard for the  
 25 consequences to Plaintiffs. They did so by removing them or causing them to be  
 26 removed from their safe and loving home with their parents when they were not  
 27 being abused or neglected and there were no signs of abuse or neglect and when  
 28 they were physically restrained from being together as a family with their parents

1 for 364 days.

2       82. In perpetrating the acts described herein above, defendants, and each  
 3 of them, knew, or in the exercise of reasonable care and prudence, should have  
 4 known, that their actions likely would result in plaintiffs' suffering emotional  
 5 harm, anguish and distress.

6       83. Defendants had a duty to Plaintiffs to avoid interfering with their  
 7 Constitutional rights under the Fourteenth Amendment to their parental  
 8 relationship and familial association. They further had a duty to obey all state, local  
 9 and federal laws and to avoid exceeding the scope of their authority in their  
 10 dealings with the Plaintiffs.

11       84. Defendants did so by removing Plaintiffs C.L. and B.L. or causing  
 12 them to be forcibly removed from their safe and loving home with their parents  
 13 when they were not being abused or neglected and there were no signs of abuse or  
 14 neglect and when they were physically restrained from being together as a family  
 15 with their parents for 364 days.

16       85. On August 8, 2011, Defendants assumed wardship of Plaintiffs C.L.  
 17 and B.L. and, therefore, owed plaintiffs as part of Plaintiffs' familial liberty  
 18 interest, a duty to act reasonably in minimizing the scope of intrusion into  
 19 Plaintiffs' familial privacy and liberty interest in the integrity of the family unit. A  
 20 preexisting relationship between County and Plaintiffs therefore existed at all  
 21 relevant times mentioned herein.

22       86. As part of that relationship, and pursuant to Cal. Welf. & Inst. Code  
 23 §306(b), each of the COUNTY AGENT Defendants had the following statutory  
 24 duty:

25           Before taking a minor into custody, a COUNTY AGENT shall consider  
 26 whether the child can remain safely in his or her residence. The  
 27 consideration of whether the child can remain safely at home shall include,  
 28 but not be limited to, the following factors:

1                   (1) Whether there are any reasonable services available to the worker which,  
 2 if provided to the minor's parent, guardian, caretaker, or to the minor, would  
 3 eliminate the need to remove the minor from the custody of his or her parent,  
 4 guardian, or caretaker.

5                   (2) Whether a referral to public assistance pursuant to Chapter 2  
 6 (commencing with Section 11200) of Part 3, Chapter 7 (commencing with  
 7 Section 14000) of Part 3, Chapter 1 (commencing with Section 17000) of  
 8 Part 5, and Chapter 10 (commencing with Section 18900) of Part 6, of  
 9 Division 9 would eliminate the need to take temporary custody of the minor.  
 10 If those services are available they shall be utilized.

11                  (3) Whether a nonoffending caretaker can provide for and protect the child  
 12 from abuse and neglect and whether the alleged perpetrator voluntarily  
 13 agrees to withdraw from the residence, withdraws from the residence, and is  
 14 likely to remain withdrawn from the residence.

15                  87. Defendant COUNTY AGENTS also had a statutory duty under Cal.  
 16 Govt. Code §820.21 to refrain from committing with malice: (1) perjury; (2)  
 17 fabrication of evidence; (3) failure to disclose known exculpatory evidence; and (4)  
 18 obtaining testimony by duress.

19                  88. County and the defendant COUNTY AGENTS breached their duties  
 20 of care by failing to consider whether but not limited to, failing to consider whether  
 21 Plaintiffs C.L. and B.L. could, with the provision of reasonable services, remain  
 22 safely with their parents, wrongfully seizing Plaintiffs C.L. and B.L., continuing to  
 23 detain Plaintiffs C.L. and B.L. after any alleged basis for detention had been  
 24 negated, procuring of false testimony and fabricated evidence including whether  
 25 Plaintiff Michael Lewis had a medical recommendation for the medicinal use of  
 26 marijuana, and failing to disclose exculpatory evidence in reports and documents  
 27 to the Court.

28                  89. Had the abovementioned acts been performed by private citizens, the  
 29 acts would not only have been criminal, but would entitle Plaintiffs to bring claims  
 30 against each such persons for, among others, abduction of a child, invasion of  
 31

1 privacy, intentional infliction of emotional distress, negligent infliction of  
 2 emotional distress, and false imprisonment.

3       90. As the direct and proximate result of the COUNTY AGENT  
 4 defendants negligent conduct, Plaintiffs have suffered extreme emotional and  
 5 physical distress, including but not limited to fright, nervousness, sleeplessness,  
 6 anxiety, worry, mortification, shock, humiliation, and indignity, to an extent and in  
 7 an amount subject to proof at trial. Nobody, including Plaintiffs, could reasonably  
 8 be expected to endure the types of affront inflicted upon Plaintiffs, without  
 9 sustaining the type of damages herein alleged. Statutes, including, without  
 10 limitation, Cal. Welf. & Inst. Code §306(b) and Cal. Govt. Code §820.21, were  
 11 specifically enacted to avoid the types of harm suffered by Plaintiffs as mentioned  
 12 herein.

13       91. Plaintiffs are informed and believe and thereon allege that COUNTY  
 14 AGENTS acted knowingly and willfully, with malice and oppression, and with the  
 15 intent to harm Plaintiffs. Based on the nature of the offenses, and types of recovery  
 16 Plaintiffs would be entitled to against a private party committing the same acts,  
 17 recovery of punitive damages is warranted, all to an extent and in an amount  
 18 subject to proof at trial.

19       92. In performing the acts and omissions alleged herein above, all  
 20 Defendants breached this duty owed to Plaintiffs. Said breach was a direct and  
 21 proximate cause of the injuries and damages suffered by Plaintiffs, including the  
 22 causing Plaintiffs to suffer significant emotional distress, fear, shock, grief, anxiety  
 23 and other emotional upset.

24       93. The acts of confirming and ratifying the conduct of subordinate  
 25 officers defendants by superior officer Defendants unknown to Plaintiffs at this  
 26 time, and each of them, was undertaken with the actual or constructive knowledge  
 27 of the falsity of the statements and the intentional conduct against plaintiff's and  
 28 was done with a wanton and reckless disregard for the consequences to plaintiff.

94. As a direct and proximate result of the actions of all Defendants, and each of them, Plaintiff did sustain the damages alleged herein, including, but not limited to, economic damages and emotional distress.

## **SIXTH CAUSE OF ACTION**

# **Intentional Infliction of Emotional Distress**

## **Plaintiffs C.L. and B.L. Against All Defendants**

95. Plaintiffs incorporate, as if set forth in full, all preceding paragraphs and allegations in this complaint

96. Defendant COUNTY is liable for all of the state law causes of action under *respondeat superior* for the actions of the COUNTY's employee defendants as set forth in Government Code §815.2(a) and §820(a). Defendant COUNTY's employees were acting within the course and scope of their employment with Defendant COUNTY at all times mentioned herein. Defendant COUNTY is liable for both the negligent and intentional actions of its employees which were committed within the course and scope of their employment. *Mary M. v. City of Los Angeles* (1991) 54 Cal.3d 202; *Lloyd v. County of Los Angeles*, (2009) 172 Cal.App.4th 320, 330; *Bradford v. California* (1973) 36 Cal.App.3d 16, 20; *Zelig v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1127; *M.P. v. City of Sacramento* (2009) 177 Cal.App.4th 121, 129; *Ducey v. Argo Sales Co.*, (1979) 25 Cal. 3d 707, 721.

97. On the same dates and times set forth above, Defendants, while in the course and scope of their employment and thereby under color of law, committed the acts and omissions alleged herein. All of the acts and omissions alleged herein were performed while the individual Defendants were acting within the course and scope of their employment and thereby under color of law, committed the acts and omissions alleged herein.

98. The conduct of Defendants, and each of them, was intentional, outrageous, unprivileged, and malicious and was committed for the purpose of

1 causing plaintiff to suffer, or with the knowledge that Plaintiff was certain, to  
 2 suffer humiliation, and severe mental anguish and emotional and distress. Their  
 3 conduct was so extreme that it goes beyond all possible bound of decency and a  
 4 reasonable person would regard the conduct intolerable in a civilized community.  
 5 Their actions were rose far above any trivial indignity, annoyance, hurt feeling, or  
 6 bad manners.

7       99. Supervisory Defendants are liable because they committed the acts  
 8 and omissions, or have ratified and confirmed the acts and omissions, set forth  
 9 herein against Plaintiffs, acting with knowledge that Plaintiffs' emotional distress  
 10 would thereby increase. As such, their actions in ratifying and condoning said  
 11 conduct were undertaken with a wanton and reckless disregard for the  
 12 consequences to Plaintiffs. They did so by removing them or causing them to be  
 13 removed from their safe and loving home with their parents when they were not  
 14 being abused or neglected and there were no signs of abuse or neglect and when  
 15 they were physically restrained from being together as a family with their parents  
 16 for 364 days.

17       100. As a further proximate result of Defendants' acts as herein alleged,  
 18 Plaintiffs suffered severe emotional distress, and were injured in mind and body.  
 19 Each and every plaintiff suffered emotional distress that was not mild or brief, but  
 20 instead was substantial and long last so that no reasonable person in a civilized  
 21 society could bear it. Given the severity of the separation as a family, their  
 22 damages continue and will continue into the future.

23       101. As a direct and proximate result of the actions of all Defendants, and  
 24 each of them, Plaintiff did sustain the damages alleged herein, including, but not  
 25 limited to, economic damages and emotional distress.

26       102. In doing the so, Defendants, and each of them, acted willfully and  
 27 with a callous and reckless disregard for the rights, safety and health of Plaintiffs.  
 28 The acts of each of the Defendants were in violation of the laws of the United

1 States of America and the State of California and constitute malice, oppression,  
 2 and fraud, thus entitling Plaintiff to punitive and exemplary damages against  
 3 defendants in an amount according to proof at the time of trial.

4 **SEVENTH CAUSE OF ACTION**

5 **All Plaintiffs Against All Defendants**

6 **Violation of Plaintiffs' Rights Under California Civil Code §52.1, et seq. (*Bane*  
 7 *Act*)**

8 103. Plaintiffs incorporate, as if set forth in full, all preceding paragraphs  
 9 and allegations in this complaint

10 104. Defendant COUNTY is liable for all of the state law causes of action  
 11 under *respondeat superior* for the actions of the COUNTY's employee defendants  
 12 as set forth in Government Code §815.2(a) and §820(a). Defendant COUNTY's  
 13 employees were acting within the course and scope of their employment with  
 14 Defendant COUNTY at all times mentioned herein. Defendant COUNTY is liable  
 15 for both the negligent and intentional actions of its employees which were  
 16 committed within the course and scope of their employment. *Mary M. v. City of*  
 17 *Los Angeles* (1991) 54 Cal.3d 202; *Lloyd v. County of Los Angeles*, (2009) 172  
 18 Cal.App.4th 320, 330; *Bradford v. California* (1973) 36 Cal.App.3d 16, 20; *Zelig*  
 19 *v. County of Los Angeles* (2002) 27 Cal.4th 1112, 1127; *M.P. v. City of*  
 20 *Sacramento* (2009) 177 Cal.App.4th 121, 129; *Ducey v. Argo Sales Co.*, (1979) 25  
 21 Cal. 3d 707, 721.

22 105. The Tom Bane Civil Rights Act, Stats. 1987, ch. 1277, § 1, p. 4544, as  
 23 codified in California Civil Code §52.1, authorizes a private cause of action for  
 24 damages and equitable relief against any person who, "whether or not acting under  
 25 color of law, interferes by threats, intimidation, or coercion, or attempts to interfere  
 26 by threats, intimidation, or coercion, with the exercise or enjoyment by any  
 27 individual or individuals of rights secured by the Constitution or laws of the United  
 28 States, or of the rights secured by the Constitution or laws of this state ... " Civ.

1 Code, §52.1, subd. (a).

2       106. The defendant COUNTY AGENTS and police officers committed  
 3 such wrongful actions by wrongfully seizing Plaintiffs C.L. and B.L. without a  
 4 warrant, probable cause, or exigent circumstances. Their further wrongful actions  
 5 include the continued wrongful detention of the children after any alleged basis for  
 6 detention had been negated, the procuring of false testimony, fabrication of  
 7 evidence, and the refusal to disclose exculpatory evidence in preparing and  
 8 presenting reports and documents to the Court in relation to dependency  
 9 proceedings all in violation of the right to familial association and privacy arising  
 10 under the Fourteenth Amendment.

11       107. The individual defendants acted within in the course and scope of  
 12 their employment and thereby under color of law when they committed the acts  
 13 and omissions alleged herein. Supervisory Defendants are liable because they  
 14 committed the acts and omissions, or have ratified and confirmed the acts and  
 15 omissions, set forth herein against plaintiffs, acting with knowledge that plaintiff's  
 16 emotional distress would thereby increase.

17       108. These acts, and the others alleged herein above, prevented Plaintiffs  
 18 from exercising and enjoying the legal rights secured by the Constitutions of the  
 19 United States and the State of California and the statutory laws and ordinances of  
 20 the United States and the State of California.

21       109. The rights violated by the public employees mentioned herein, and  
 22 each of them, are protected by California Civil Code sections 43, 49, 51, and 52.1,  
 23 which entitle Plaintiffs to compensatory and punitive damages, injunctive relief,  
 24 statutory civil penalty (where applicable) and attorney's fees, as provided for by  
 25 the laws and the Constitution of the State of California, and are requested herein.

26       110. As a direct and proximate cause of the negligence, Defendants, and  
 27 each of them, directly and proximately caused Plaintiffs' damages, including but  
 28 not limited to nightmares, anxiety, fear, frustration, and nightmares.

1                   **DEMAND FOR JURY TRIAL**

2                   Plaintiffs hereby respectfully demand a trial by jury.

3                   **PRAAYER FOR RELIEF**

4                   Wherefore, Plaintiffs pray for relief and judgment against Defendants as  
5 follows:

6                   **As to All Defendants**

- 7                   (1) General, special and compensatory damages for emotional pain and  
8                   suffering;
- 9                   (2) Incidental damages;
- 10                  (3) Consequential damages;
- 11                  (4) Attorney's fees to the extent allowable, including but not limited to 42  
12                  U.S.C. § 1988, California Civil Code § 52.1, and any other basis  
13                  allowed by law;
- 14                  (5) Costs of litigation;
- 15                  (6) Interest according to the highest rate provided by law; and
- 16                  (7) Such further relief as the Court deems just and proper.

17                  **As to All Individual (Non-Entity) Defendants and DOES 1-20 Only**

- 18                  (8) Punitive and exemplary damages, including but not limited to,  
19                  intentional, maliciously and/or fraudulent conduct, as allowed by law  
20                  – including but not limited to *Morgan v. Woessner*, 997 F.2d 1244,  
21                  1255 (9th Cir.1993) and Cal. Code of Civ. Proc. §3294.

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Dated: August 24, 2014

By: Gerald Brighton

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